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## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

80398.P561

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on January 17, 2007

Signature Y Tanaka

Typed or printed name Yuko Tanaka

Application Number

10/662,857

Filed

09/15/2003

First Named Inventor

Mark Kenneth Eyer

Art Unit

2612

Examiner

Shimizu, Matsuichiro

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☐

attorney or agent of record.

Registration number \_\_\_\_\_

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 41,181

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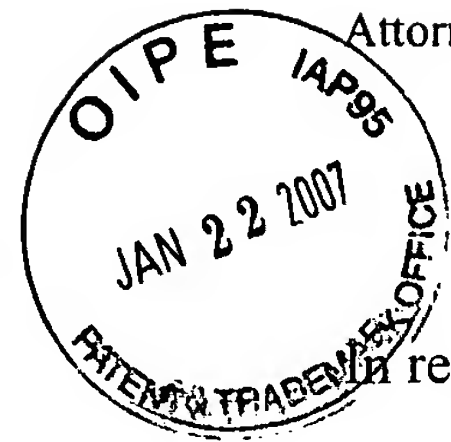
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

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\*Total of \_\_\_\_\_ forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark Kenneth Eyer

Serial No. 10/662,857

Filed: September 15, 2003

For: INFRARED REMOTE CONTROL  
COMMAND NETWORK PASS-THROUGH)

)  
)  
) Examiner: Shimizu, Matsuichiro

) Art Unit: 2612

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

In response to the Final Office Action mailed October 17, 2006, Applicant respectfully requests review of the Examiner's rejections of claims 1-18 as being unpatentable over U.S. Patent No. 6,195,548 to Schultheiss et al. (hereinafter "*Schultheiss*"), U.S. Patent No. 6,111,677 to Shintani et al (hereinafter "*Shintani*"), *HAVi: Home Audio Video Interoperability* by Jussi Teirikangas of Helsinki University of Technology (hereinafter "*Teirikangas*"), U.S. Patent No. 5,778,256 to Darbee (hereinafter "*Darbee*"), and U.S. Patent No. 4,867,647 to Harrington et al. (hereinafter "*Harrington*").

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Kindly consider the following arguments.

## Rejections to Be Reviewed

### Rejections under 35 U.S.C. §102(b)

Claims 1-4, 6-7, and 14-16 stand rejected as being anticipated by *Schultheiss*.

### Rejections under 35 U.S.C. §103(a)

Claim 5 stands rejected as being obvious over *Schultheiss* in view of *Darbee*. Claims 8-10 stand rejected as being obvious over *Schultheiss* in view of *Shintani*. Claims 11-13 and 17-18 stand rejected as being obvious over *Schultheiss* in view of and *Teirikangas*. Claim 21 stands rejected as being obvious over *Harrington* in view of *Teirikangas*.

## Summary of Claimed Subject Matter

Applicant's invention as claimed allows a data code sequence sent from a remote control unit designed to control a first device to control a second device, which does not recognize or respond to messages from the remote control unit (§ [0011] of Applicant's Specification). The first device may generate a representation of the data code sequence, from sampling the data code sequence, for example, and may place the representation of the data code sequence on a bus so the second device may be controlled by the representation of the data code sequence and respond to the message appropriately (§ [0034] of Applicant's Specification).

## Summary of Prosecution History

*Schultheiss* discloses using a personal computer to relay television signals to and from a telephone network. *Schultheiss* uses a "unified television/personal computer/telephone wireless remote control" to control the television, a personal computer, and telephone (col. 2, lines 23-38 of *Schultheiss*).

In the first Office Action mailed April 12, 2006, the Examiner determined that the TV command signal 74a in *Schultheiss* is also a representation of itself, the TV command signal 74a (first Office Action, page 3). Applicant's response to the first Office Action filed July 12, 2006 pointed out that the TV command signal 74a in *Schultheiss* cannot be interpreted as a representation of itself to read on the two distinct elements in the claimed invention reciting "a data code sequence" and "a representation of the data code sequence" (Response, page 7).

In the final Office Action mailed October 17, 2006, the Examiner stated that *Schultheiss* discloses that TV command signal 70b is a representation of TV command signal 74b and maintained the rejection (final Office Action, page 2).

Applicant's response to the first Office Action also pointed out that there was no need for *Schultheiss* to generate a representation of command signals if the devices in *Schultheiss* do not recognize the command signals because the TV, PC, and telephone in *Schultheiss* actually do recognize and respond to command signals from the remote control unit in *Schultheiss* (Response, page 7). In the final Office Action, the Examiner did not address Applicant's arguments regarding *Schultheiss* not disclosing generating a representation of remote control signals if the devices in *Schultheiss* do not recognize the remote control signals.

#### **Argument**

The Examiner has improperly equated a single element in *Schultheiss* to two distinctly claimed elements. The Examiner also has failed to address Applicant's arguments regarding *Schultheiss* not disclosing generating a representation of remote control signals if the devices in *Schultheiss* do not recognize the remote control signals.

## CONCLUSION

Because there are clear errors in the Examiner's rejections, Applicant respectfully requests the Pre-Appeal Conference direct the Examiner to enter an allowance for claims 1-18.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: 1/17/2007

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on January 17, 2007  
Date of Deposit

Yuko Tanaka  
Name of Person Mailing Correspondence

Y. Tanaka January 17, 2007  
Signature Date